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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **MAT.APP.(F.C.) 18/2025 & CM APPL. 270/2025 –Int. visitation**
ISHAN BHARTIAppellant

Through: Mr. Fanish Kumar Rai with
Mr. Gaurav Sahdev, Advs.

Versus

BRAHMITA MONGA @ BRAHMITA BHARTIRespondent

Through: Mr. Ronny Banerjee, Mr. Varun
Sharma, Ms Askini Shokeen and Ms
Anshika Sharma, Advs.

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI
HON'BLE MR. JUSTICE AJAY DIGPAUL

ORDER

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14.01.2025

1. The present appeal seeks to assail the order dated 04.06.2024 passed by the learned Family Court, North-West District, Rohini Court in G.P. No. 01/2024. Vide the impugned order, the learned Family Court has partly allowed the application filed by the appellant under Section 12 of the Guardian and Wards Act, 1890 by directing that the appellant will be entitled to meet his minor daughter, who is in the custody of the respondent, on the 1st and 3rd Saturday of every month from 5.00 pm to 8.00 pm at Hotel Le-Meridien, Connaught Place, New Delhi, in the presence of the respondent as well as her parents.
2. The learned Family Court has further directed that the appellant will be entitled to speak to the child through Whatsapp video call on 2nd and 4th Saturday of every month, at a time convenient to the child.
3. In support of the plea, learned counsel for the appellant submits that



even before the impugned order was passed, the appellant was already speaking to the minor child through video call at least once a week and therefore, there was no reason for the learned Family Court to curtail the said right being exercised by the appellant. He further prays that the venue of the physical meeting with the child, which is presently being held at Hotel Le-Meridien, Connaught Place, New Delhi, be changed to a more child friendly place.

4. Finally he submits that though the impugned order grants visitation rights on festivals, holidays and birthdays of the minor child, the same does not take into account the longer vacations both summer and winter during which period, he has not been granted any visitation.
5. Learned counsel for the respondent, on instructions from the respondent, who has joined proceedings through video conferencing, does not deny this factual position. He, however, prays that the visitation rights, as granted by the learned Family Court may be maintained for the present.
6. Having considered the submissions of learned counsel for the parties, we find merit in the submission of the appellant. We, therefore, direct that as against 2nd and 4th Saturday, as directed under the impugned order, the appellant would be entitled to speak to the minor child on every Sunday at a time convenient to the child. Further, at the joint request of the parties, we direct that instead of the physical meeting in terms of the impugned order taking place at Hotel Le-Meridien, Connaught Place, New Delhi, the same will take place at Pacific Mall, Shalimar Bagh, New Delhi. It will however, be open for the parties to mutually decide an alternate nearby convenient place where



the said meeting can take place. We further direct that in the said meeting, though the respondent will be permitted to remain present, she will remain at some distance from the appellant and the minor child.

7. Further, taking into account the plea of the appellant that he has not been granted any visitation rights during the vacations, we direct that the appellant will be entitled to meet the child for eight days and two days respectively during summer vacations and winter vacations between from 11 am to 4 pm. at Pacific Mall, Shalimar Bagh, New Delhi. We further make it clear that the respondent will be entitled to be present at the said meeting. We expect both parties to maintain cordial behaviour during the meetings.
8. While disposing of the appeal with the aforesaid directions, we make it clear that in the event of change in circumstances, this order will not come in the way of the learned Family Court passing any further orders including modifying the arrangements directed under this order.

REKHA PALLI, J

AJAY DIGPAUL, J

JANUARY 14, 2025

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